



JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(New Candidate)

Full Name: Courtney LaVerne Clyburn Pope

Business Address: 135 Laurens Street, Aiken, SC 29801

Business Telephone: 803-642-7658

1. Why do you want to serve as a Circuit Court judge?

I have always been a public servant. I believe that this will give me the opportunity to serve my community and to set a great example for young women. I have a love of the law and a thirst for knowledge. I am fair, firm, and steadfast in my morality.

2. Do you plan to serve your full term if elected?
Yes, I plan to serve my full term if elected.

3. Do you have any plans to return to private practice one day?
I do not currently have plans to return to private practice.

4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

I have met all Constitutional requirements for this position.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Canon 3B (2) states that a judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism. *Ex parte* communications are improper and should not be tolerated. There are exceptions which have special rules and limited circumstances for that type of communication. It is Judges duty to apply the rules according to the circumstance.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

Canon 3 E of the Code of Judicial Conduct requires a judge to disqualify him or herself in a proceeding in which the judge impartiality might reasonably be questioned. I believe that if the motion is proper and based on reasonableness, I must disqualify myself.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

It is the duty of the judge to stay informed about their personal and fiduciary economic interest as well as those of their spouse and minor children. Should there be a reasonable appearance of impropriety, I would disqualify myself. Should it be reasonable to ask for a Remittal of Disqualification, I would implement the use of Canon 3F, but only if the situation is appropriate.

8. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?

My practice as an attorney in private practice and as a prosecutor is not to accept gifts in any form so that there is no appearance of wrong doing or inappropriateness. If I am invited to a conference, I would follow Canon 4D.

9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

I am bound by Canon 3 G: Disability and Impairment. Should I become aware of misconduct or some type of infirmity, I am called to take appropriate action. This may include a referral to an assistance program.

10. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

I have never been a member of such an organization.

11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

I am a member of the Aiken Chapter of the Links, Incorporated. For the last 5 years I have been the Chairwoman of the Christmas Gala. All funds are donated to our scholarship fund. Additionally, my church raises money for the YPDers, the Young People's Department through the use of bake sales, rummage sales, and pizza nights.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I do not have any business activities.

13. If elected, how would you handle the drafting of orders?

In most instances, in an attempt to move the docket forward, after making a ruling, I would request that the prevailing party submit a proposed order and submit to my office for review in a timely fashion.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

I would implement both paper and electronic calendars. I believe in the use of timelines and various deadlines in order to meet bigger deadlines. I am committed to being timely and working efficiently.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

The judiciary is just one of the three branches of government. The doctrine of separation of powers binds a member of the judiciary to maintain their position, which is to interpret and enforce the current law as set by lawmakers. I do not believe it is the Judiciary's role to make law. Activism and legislation is an element of the Legislative branch of government, not the Judiciary.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

I believe it is important to be involved in both bar-related activities as well as community activities. There is a sector of SC's population that does not understand how the judicial system works. I think that this would be a great

opportunity to educate both small school aged children, young adults, and those who have no experience with the court system as to what our judicial system is. Though there are flaws, I believe that we have the greatest judicial system in the world. I believe in leading by example. It is important for all members of our community to feel both represented and heard. For that reason, I would like to continue to mentor young adults and continue to speak at various educational events to help motivate future attorneys and judges.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

I have a strong support system. I have always had the support of my husband, my parents, and my in laws. We have established a wonderful network for our children of loving friends who are now established as family. My husband continues to provide me encouragement and support. I think that this job is no different than any other. One must maintain a balance in work and home life. My family is of utmost importance. We would work hard to address anything that would cause a strain in a familial relationship.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

I will answer each category individually, but it is important to note that I believe every case that comes before a judge should be analyzed on an individual basis as each case is unique. Further, I believe that victims play an important role in sentence determination in cases. I do not think it is appropriate for a member of the Judiciary to have a set of confined rules for each category of cases.

- a. Repeat offenders:

While practicing as a criminal defense attorney in Aiken, I dealt with a number of clients who were repeat offenders. People reoffend for various reasons. It is hard to place offenders in one category. For example, some offend due to drug or alcohol use. Some reoffend due to a lack of resources. There are people who also reoffend for no apparent valid reason. I think it is important to attempt to determine from defense counsel or the defendant the reason for the

reoffend before making a determination of a sentence.

- b. Juveniles (that have been waived to the Circuit Court):
Background of juveniles should be taken into serious consideration as well as the ability of a juvenile to rehabilitate.
- c. White collar criminals:
White Collar criminals can have a devastating impact on victims and society a whole. Again, each case and its impact should be considered on an individual basis.
- d. Defendants with a socially and/or economically disadvantaged background:

I do not believe that an individual should be sentenced in a different manner due to these disadvantages alone. I would sentence based on the crime, circumstances, and criteria enumerated by law.

- e. Elderly defendants or those with some infirmity:
Again, I do not believe that this should play a factor in sentencing unless there is some extraordinary circumstance. Each cases should be looked at as prescribed by the law.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

No, I do not believe this is appropriate pursuant to Judicial Canon 4.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes.

22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

Judicial Canon 3 requires that a Judge perform the duties of Judicial Office impartially and diligently. Judge should maintain a demeanor of professionalism and have a standard of ethics. Further, a member of the

Judiciary should have an even temperament.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

While it is understandable that a Judge may become frustrated, I do not think it is appropriate for a Judge to act and speak out of anger to a member of the public. Judges shall require order and decorum, but must be patient, dignified and courteous and required by Canon 3A.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Sworn to before me this ____ day of _____, 2019.

(Signature)

Courtney Clyburn Pope

(Print Name)

Notary Public for South Carolina

My Commission Expires: _____